

II. REMARKS

1. Claims 1-52 remain in the application.
2. Applicant respectfully traverses the non-statutory double patenting rejection over US 6,848,008 ("the '008 patent"). The present claims, if allowed, would not improperly extend the right to exclude granted in the '008 patent.

Applicant notes that this is the third double patenting rejection for this application.

2.1 In the first Office Action dated 13 February 20042, the claims were rejected due to double patenting over the claims of US 6,501,741. The claims were also rejected as unpatentable over US 6,469,998 (Salinas) in view of US 6,608,832 (Forstlow). Applicant successfully overcame the rejections without any amendments.

2.2 In the second Office Action dated 5 August 2004, the claims were rejected due to double patenting over the claims of US 6,693,915. In addition, the claims were rejected as being unpatentable over US 6,738,800 (Aguilon) in view of US 6,542,819 (Kovacs). Arguments against double patenting obligation were presented in the response. Applicant also pointed out that Aguilon and Kovacs were not valid references because the latest priority date of the present application precedes their filing dates. Applicant again successfully overcame the rejections without any amendments.

2.3 Regarding the present double patenting rejection, the subject matter disclosed and claimed in the present

application is unrelated to that of claims 1-16 of the '008 patent.

The present application is directed to implementing a multimedia messaging service between a wireless terminal and a server. A multimedia message addressed to the wireless terminal is stored at the server. Information on at least one property of the wireless terminal is also stored at the server. A determination is made based on the stored information if there is any component of the message which the wireless terminal can handle. If there is any such component, the component is transmitted to the wireless terminal

The present Office Action states on page 3:

It was clearly that the patent '008 discloses a wireless/radio system using multimedia message, when the multimedia message is detected and selected. In order to transmit and receive the multimedia data, the wireless terminal examines the address type or the properties or the message. If the address type or property is acceptable and message is stored. Thus, the Double Patent rejection is appropriate.

Applicant respectfully submits that this is not an accurate comparison of the '008 patent with the present invention.

The '008 patent is directed to a flexible addressing system for a multimedia messaging system where there are at least two separate communication networks where different types of addresses are used. Upon transmission of a multimedia message, the address data identifying the receiver is

supplemented with data on the address type (see the Summary Of The Invention). This is beneficial because the receiver device does not need to be of a similar type as the transmitting device (see for example, column 6 lines 18-29).

Column 7, lines 9-65 of the '008 patent present a clear example how the address type may be expressed in connection with a multimedia message. Type "MSISDN" may be used to indicate a mobile telephone number and type "SMTP" may be used to indicate e-mail address. It should be noted that the '008 patent does not disclose investigating the properties or capabilities of the receiver within a "mobile phone" category or within an "e-mail" category.

The multimedia message switching center MMSC examines the address type (see column 9, line 25 – column 11 line 5) and selects the proper route to deliver the multimedia message to the receiver or several receivers.

Claim 1 of the '008 patent clearly states in column 11, lines 53-55, that "said address type is used to select the communication network (NM1, NM2) to be used in the transmission of the message...." Independent claim 11 includes similar language.

The '008 patent is completely silent about using the properties of the receiving wireless terminal to decide whether or not the terminal is able to handle some components of an individual multimedia message. In the '008 patent the address type gives no indication of the capabilities of the receiving device. Therefore, the server cannot make any decisions regarding what components of a

multimedia message could be delivered to a specific receiving wireless device or not.

The '008 patent clearly claims a method for selecting a route to deliver a multimedia message based on address type without taking into account the specific properties of the individual receiving device.

In contrast, the claims of the present application recite "determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal".

Applicant respectfully submits that the subject matter of the present application is not at all disclosed in the '008 patent and that the claims of the present application are unrelated to claims 1-16 of the '008 patent.

Applicant requests withdrawal of the double patenting rejection.

3. Applicants respectfully submit that claims 1-52 are not anticipated by Schloss et al. (US 6,249,844, "Schloss") under 35 USC 102(e).

Schloss fails to disclose receiving and storing a multimedia message addressed to the wireless terminal at the server, as recited by claim 1.

Schloss also fails to disclose determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal, wherein if

there exists one or more such component(s), they are selected for transmission and transmitted to the wireless terminal, as recited by claim 1.

Similar features are recited by independent claims 19 and 35.

Schloss describes identifying and creating persistent object fragments from a named object in a web environment. The named objects specially mentioned in the publication are web pages described in XML, SGML or HTML.

For a person skilled in the art the difference between web pages described using the aforementioned markup languages and multimedia messages as meant in the current application is very clear and they cannot be taken to represent same field of technology. A web page is not a multimedia message. Browsing web page contents is controlled at the end point where the information is presented, as opposed to the present invention where the transmitting side delivers a specific message addressed to a specific receiving party.

Web pages are by nature meant to be accessed simultaneously by several Internet appliances at the same time. Thus, a web page can hardly be considered as a message, which is addressed and delivered specifically to an individual receiving device. Accessing a web page represents a "pull" operation, where delivering a multimedia message represents a "push" operation. When accessing a web page, the browsing appliance itself has active role in "pulling" the required information/document/object from the page, whereas in multimedia messaging the server has an active role in

"pushing" the specific message to an individual receiving device.

In Schloss, the server produces different versions of persistent fragments of contents of a web page to facilitate more effective caching for different devices. In other words, a web page is divided into various fragments. Certain fragments are replaced with an associated persistent fragment identity to enable them to be cachable. The reformatted web page is then sent to the browsing device.

According to the current invention, a multimedia message is addressed to a specific wireless terminal and the server then decides, based on the information stored in the server regarding that specific wireless terminal, if there are any components in that multimedia message which the terminal can handle, and further the server transmits those components to the terminal. Compared to the web page browsing this message delivery can be characterized having a push-type nature. In addition, the present invention only sends selected components that the receiving terminal is capable of handling. In contrast, Schloss reformats portions of the web page but still transmits the entire web page.

At least for these reasons, Applicant submits that independent claims 1, 19, and 35, and dependent claims 2-18, 20-34, and 36-52 are not anticipated by Schloss.

A check in the amount of \$1020.00 is enclosed for a three (3) month extension of time.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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27 September 2005
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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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